



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF MAY 25, 2006**

CALL TO ORDER: Chairperson Lydon called the meeting to order at 7:00 p.m.

PRESENT: Acting Chairperson Harrison, Chugh, Lorenz, and Sharma

ABSENT: Chan, King, Lydon (excused)

STAFF PRESENT: Jeff Schwob, Planning Director
Joan Borger, Assistant City Attorney
Cliff Nguyen, Planner II
Alice Malotte, Recording Clerk
Chavez Company, Remote Stenocaptioning
Miriam Schalit, Video Technician

APPROVAL OF MINUTES: Regular Minutes of May 11, 2006 were approved as submitted.

CONSENT CALENDAR

THE CONSENT LIST CONSISTED OF ITEM NUMBER 2, 3 and 4.

IT WAS MOVED (SHARMA LORENZ) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS ON ITEM NUMBERS 2, 3 and 4.

Item 2. HOLY SPIRIT CHURCH – 37588 Fremont Boulevard – (PLN2006-00160) - to consider a Conditional Use Permit, Environmental Impact Assessment, and Preliminary Grading Plan for a 11,338 square foot, one-story building to be used for religious education and social activities, and associated sitework, parking changes, and landscaping at the Holy Spirit Church property located in the Centerville Planning Area. A Mitigated Negative Declaration has been prepared for this project.

HOLD PUBLIC HEARING;

AND

FIND THE INITIAL STUDY HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;

AND

ADOPT MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN AND RECOMMEND THE USE OF A CERTIFICATE OF FEE EXEMPTION AND FIND THESE ACTIONS REFLECT THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;

AND

FIND THAT CONDITIONAL USE PERMIT AND PRELIMINARY GRADING PLAN (PLN2006-00160) ARE IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE CHAPTER AS ENUMERATED

WITHIN THE STAFF REPORT. THE PROJECT CONFORMS TO THE GOALS AND OBJECTIVES OF THE CENTERVILLE SPECIFIC PLAN;

AND

APPROVE CONDITIONAL USE PERMIT AND PRELIMINARY GRADING PLAN (PLN2006-00160), AS SHOWN ON EXHIBIT "B", SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "C".

- Item 3. GOLDEN SPIKE – 37682 Niles Boulevard – (PLN2006-00286)** - to consider a Conditional Use Permit for a variety of activities in the historic Niles District including boarding and exiting of the Niles Canyon Railway, historic bus tours in downtown Niles and performing artists in designated areas. The proposal also includes the closure of Sullivan Underpass on Sundays between 10 a.m. and 4:30 p.m. and between Thanksgiving and New Years on Thursday, Friday, Saturday, and Sunday evenings from 4 p.m. to 9 p.m. This project is categorically exempt from the California Environmental Quality Act the Minor Alternations to Land in Section 15304(e) of the CEQA Guidelines.

CONTINUE TO JUNE 8, 2006 TO ALLOW APPLICANT TO CONTINUE WORKING WITH STAFF TO FINALIZE THE USES FOR THE PROPOSED USE PERMIT.

- Item 4. COMMUNITY COMMERCIAL DISTRICT ZONING ADMINISTRATOR PERMITTED USES – CITYWIDE – (PLN2006-00303)** - to consider a City-initiated Zoning Text Amendment reinstating certain Zoning Administrator Permitted Uses that were inadvertently deleted in conjunction with Ordinance No. 19-2004 related to amusement and game devices. This project is categorically exempt from the California Environmental Quality Act under the general rule in Section 15061(b)(3) of the CEQA Guidelines.

HOLD PUBLIC HEARING;

AND

RECOMMEND THE CITY COUNCIL FIND THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER THE GENERAL RULE IN SECTION 15061(B)(3) OF THE CEQA GUIDELINES;

AND

RECOMMEND THAT THE CITY COUNCIL FIND ZONING TEXT AMENDMENT PLN2006-00303, AS SHOWN ON EXHIBIT "A," IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN AS PREVIOUSLY DULY APPROVED BEFORE THE ERROR WAS MADE ELIMINATING THEM AS EXPLAINED WITHIN THE STAFF REPORT;

AND

RECOMMEND THAT THE CITY COUNCIL FIND THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE REQUIRE THE ADOPTION OF THIS ZONING TEXT AMENDMENT BECAUSE THE USES WERE PREVIOUSLY DEEMED APPROPRIATE AND WERE UNDULY REMOVED;

AND

RECOMMEND ZONING TEXT AMENDMENT PLN2006-00303 TO THE CITY COUNCIL IN CONFORMANCE WITH EXHIBIT "A" (ZONING TEXT AMENDMENT).

The motion carried by the following vote:

AYES:	4 – Chugh, Harrison, Lorenz and Sharma
NOES:	0
ABSTAIN:	0
ABSENT:	3 – Chan, King, Lydon
RECUSE:	0

PUBLIC COMMUNICATIONS

ORAL COMMUNICATIONS

PUBLIC HEARING ITEMS

- Item 1.** **CCC MEDICAL GROUP - 2333 Mowry Avenue – (PLN2006-00059)** – to consider a Rezoning of a 0.51-acre corner project site from C-O, Administrative Office District, to P-2006-59, Preliminary and Precise Planned District, in conjunction with a Finding to increase the maximum building height/ floor area ratio (FAR), including a 14 space parking reduction, for the development and use of a 14,334 square foot medical facility in the Central Planning Area. A Mitigated Negative Declaration has been prepared for this project.

Commissioner Harrison and **Commissioner Sharma** disclosed that they had spoken with the applicant about the project.

Kartik Patel, architect and applicant's representative, stated that the site totaled four lots, which were located at the corner of Mowry Avenue and Stivers Street. The owners were a group of doctors who practiced in the City of Fremont. This would be an infill project with medical offices and Washington Hospital nearby. The current buildings would be demolished, and the proposed building would be two stories with partial covered parking. A one-foot variance was requested to hide rooftop mechanical equipment. The architecture would be contemporary and symbolic of the hospital across the street. Entrance and exit would be on Stivers Street. However, an exit could be created on Dyer. Last week, he became aware of the neighbors' concerns about the proposed on-street parking and he had redesigned the building to completely accommodate parking on the site. He had not talked with the neighbors about the new solution and staff had not reviewed it.

Planning Director Schwob agreed that staff had not reviewed the new proposal. He stated that the new proposal also would also restrict part of the building to general office uses and parking lifts would be installed to conform to the city's standard rates for parking. He was particularly interested in reviewing the location of the lifts with the Fire Department and Engineering, as well as, reviewing the visual impact.

Commissioner Lorenz asked if the neighbors who had expressed concern about the parking had seen the new proposal.

Mr. Patel replied that the parking proposal had just been redesigned during the last few days. He planned to share it with the neighbors as soon as staff was comfortable with it.

Commissioner Lorenz stated that he was not comfortable with the new parking proposal at this time. Considering the people in attendance who were interested in this project, perhaps the project should be reconsidered in the future.

Commissioner Chugh asked what was meant by converting some of the offices to general use. He asked if the applicant had met with any of the neighbors prior to this meeting.

Planning Director Schwob said that parking standards for a medical office was one parking space for each 200 gross square feet and a general office was one parking space for each 300 square feet.

Mr. Patel stated that he had not met with any of the neighbors.

Commissioner Sharma asked how the parking consultant had been chosen. He asked if it was city approved.

Mr. Patel replied that the Crane Transportation Group was one of three names given to them by the city. They had received proposals from all three companies and Crane Transportation Group was chosen, because they could provide the information in a timely manner.

Planning Director Schwob explained that the city had not had direct experience with this particular consultant, but they were one of three that had been recommended. However, if the applicant's proposal had changed, the study might not be relevant anymore.

Mr. Patel stated that the study was performed to ascertain if street parking would be available to offset what would not be available on site.

Commissioner Harrison commented that, since many people who were concerned about the parking were in attendance, this new proposal might make their concerns irrelevant in the future. He suggested that those who wished to speak should do so; then this item should be continued to the next meeting. This would allow staff to thoroughly review the proposal and give the applicant enough time to provide it to the neighbors.

Assistant City Attorney Borger stated that testimony heard tonight would not be heard by the absent Commissioners. She suggested that a motion be made to continue this item. Then, if someone wished to speak to the motion to continue, they could do so.

Commissioner Sharma wondered how the speakers could address the parking without knowledge of the new plan.

Commissioner Harrison asked if the speakers would receive the new parking proposal

Planning Director Schwob stated that the staff reports were available on the web or they could be picked up.

A speaker from the audience stated off mike that he would like a copy of the new proposal.

Commissioner Harrison suggested that **Mr. Patel** could provide business cards or speak with any interested party after this meeting.

Mr. Patel stated that he would be happy to meet with anyone who was interested in the new proposal.

IT WAS MOVED (LORENZ/CHUGH) AND CARRIED BY THE FOLLOWING VOTE (4-0-0-3-0) THAT THE PLANNING COMMISSION **CONTINUE TO JUNE 8, 2006, TO ALLOW TIME FOR STAFF TO REVIEW THE NEW PARKING PROPOSAL;**

AND

ALLOW TIME FOR THE APPLICANT TO MEET WITH THE NEIGHBORS REGARDING THE NEW PARKING PROPOSAL.

The motion carried by the following vote:

AYES:	4 – Chugh, Harrison, Lorenz and Sharma
NOES:	0
ABSTAIN:	0
ABSENT:	3 – Chan, King, Lydon
RECUSE:	0

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.
- Report on actions of City Council Regular Meeting of May 23, 2006.

- Villa D'Este and Bay Street Streetscape approved.

Villa D'Este was likely to be heard again by the Commission, because of some ideas brought forward during the City Council meeting would improve the site design and would require modifications to the approved subdivision map and Planning District zoning.

- Regarding Bay Street, MTC suggested that the city reapply again for funding. He thought the newer version of the plan would be more successful, as it included street improvements on Papazian Street and Trimboli Street which provide connections to nearby transit.

Commissioner Lorenz asked if the doctor had spoken about the parking.

Planning Director Schwob replied that he was not present at the City Council meeting, but the issue was discussed. The plan was approved, as recommended by the Commission.

- Information from Commission: Commission members may report on matters of interest.

Meeting adjourned at 7:30 p.m.

SUBMITTED BY:

APPROVED BY:

Alice Malotte
Recording Clerk

Jeff Schwob, Secretary
Planning Commission